

[ORAL ARGUMENT SCHEDULED FOR DECEMBER 9, 2016]
Nos. 15-1074, 15-1130

In the United States Court of Appeals
for the District of Columbia Circuit

AMPERSAND PUBLISHING, LLC, D/B/A SANTA BARBARA NEWS-PRESS,
Petitioner/Cross-Respondent,

v.

NATIONAL LABOR RELATIONS BOARD,
Respondent/Cross-Petitioner,

GRAPHICS COMMUNICATIONS CONFERENCE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Intervenor for Respondent/Cross-Petitioner.

On Petition for Review of an Order
of the National Labor Relations Board

**PETITIONER'S MOTION FOR LEAVE TO LODGE
"BRIEF IN SUPPORT OF EXCEPTIONS SUBMITTED ON BEHALF
OF RESPONDENT AMPERSAND PUBLISHING, LLC"**

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To the Clerk of the United States Court of Appeals for the District of Columbia Circuit:

Pursuant to D.C. Circuit Rule 27, Petitioner Ampersand Publishing, LLC d/b/a Santa Barbara News Press (the “News-Press”) respectfully moves this Court for leave to lodge a copy of “Brief in Support of Exceptions Submitted on Behalf of Respondent Ampersand Publishing, LLC d/b/a Santa Barbara News-Press.”¹ Petitioner has consulted with counsel for Respondent National Labor Relations Board (“the Board”) and Intervenor Graphics Communications Conference International Brotherhood of Teamsters (“the Union”). The parties have indicated that they do not intend to object to the News-Press’ request.

The News-Press states its good cause for the acceptance of the Brief in Support Exceptions as follows. The brief was filed with the Board in the proceedings below, but is not included in the Certified Index of the Record (“Certified Index”) compiled by Respondent National Labor Relations Board (“the Board”) pursuant to 29 C.F.R. § 102.45(b). The News-Press must cite to the Brief in Support of Exceptions in its Reply Brief. And placing this non-record document

¹ The News-Press’ Brief in Support of Exceptions has been submitted electronically prior to this motion.

before the Court will make locating and reading the document more convenient for both the parties and this Court.

Moreover, the Court should grant this motion and accept the Brief in Support of Exceptions because both the Board and the Union argue that certain arguments raised by the News-Press were waived pursuant to 29 U.S.C 160(e), because they were not raised in the documents before the Board below. In order to weigh the Board's and Union's waiver claim (and the News-Press' rebuttal), however, this Court must have the opportunity to analyze the filings wherein such arguments would have been made before the Board. The Brief in Support of Exceptions is among those documents.

For the foregoing reasons, the Court should grant the News-Press' motion and accept the lodging of "Brief in Support of Exceptions Submitted on Behalf of Respondent Ampersand Publishing, LLC d/b/a Santa Barbara News-Press."

Date: November 18, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2016, an electronic PDF of Brief in Support of Exceptions Submitted on Behalf of Respondent Ampersand Publishing, LLC d/b/a Santa Barbara News-Press was uploaded to the Court's CM/ECF system. An original and four paper copies were also filed with the Clerk of the Court on this date. In addition, notice of filing will be sent to counsel for all participants in the case who are registered CM/ECF users:

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